

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF NORTH CAROLINA, *et al.*,

Defendants.

Case No. 1:16-cv-00425

UNC DEFENDANTS' MOTION TO DISMISS

The University of North Carolina and its Board of Governors (collectively UNC Defendants) move to dismiss the United States' claims against them under Civil Rules 12(b)(1) and 12(b)(6).

1. The UNC Defendants move under Civil Rule 12(b)(1) to dismiss all claims against them (Compl. ¶¶ 53–56, Counts I–III) because the claims are not justiciable or ripe.

2. The UNC Defendants move under Civil Rule 12(b)(6) to dismiss the United States' Title IX claim against them (Compl. ¶ 55, Count II) because the United States lacks a cause of action.

3. The UNC Defendants move under Civil Rule 12(b)(6) to dismiss the prayer for a permanent injunction against them (Compl. ¶ D) because the United States fails to state a claim for such relief.

Dated: July 18, 2016

Respectfully submitted,

/s/ Carolyn C. Pratt

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CERTIFICATE OF SERVICE

I certify that on July 18, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all registered parties.

Dated: July 18, 2016

/s/ Noel J. Francisco

Noel J. Francisco

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